

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 180.1
Title 14, California Code of Regulations
Re: Spot Prawn Fishing

- I. Date of Initial Statement of Reasons: May 24, 2005
- II. Date of Pre-adoption Statement of Reasons: June 24, 2005
- III. Date of Final Statement of Reasons: August 22, 2005
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: June 24, 2005
Location: Bishop, CA
 - (b) Adoption Hearing: Date: August 19, 2005
Location: San Luis Obispo, CA
- V. Update:

No modifications were made to the originally proposed regulatory language of the Initial Statement of Reasons.

The proposed changes were adopted by the Commission on August 19, 2005.
- VI. Summary of Primary Considerations Raised in Opposition and in Support:

No oral or written comments were been received from the public in opposition to or in support of the proposed action.
- VII. Location and Index of Rulemaking File:

A rule-making file with attached file index is maintained at:

California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814
- VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

Advancements in prawn trap construction would not be allowed unless they were constructed from plastic or wire mesh.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed action removes the language specifying only plastic and wire can be used for web material.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None

- (g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Existing regulations establish the season structure and other requirements for the commercial spot prawn (*Pandalus platyceros*) fishery and authorize the types of fishing gear that may be used in the fishery.

Plastic or wire webbing has **been** used in the spot prawn fishery since the implementation of the current regulations in 1995. Under current regulations (Subsection 180.1(b), Title 14, CCR), spot prawn traps are required to be made with plastic or wire mesh only. Synthetic rope or twine woven into a web mesh is another material commonly used for prawn trap construction on the Pacific coast from Oregon to Alaska.

The proposed regulation change would remove the language referring to plastic and wire to allow for other materials to be used for web construction in spot prawn traps.

This proposed regulation change will not change current authorization on mesh size, trap limits, trap destruction devices, or season structure and will allow greater flexibility to the fishery while also meeting biological needs.

The proposed changes were adopted by the Commission on August 19, 2005.

§180.1. Spot Prawn (*Pandalus platyceros*) Fishing.

Spot prawns may only be taken by trawl nets for commercial purposes pursuant to subsection 120.3(g) of these regulations, or by traps, pursuant to sections 180, 180.2, 180.5 and this section.

(a) No trap may be used to take spot prawns from November 1 through January 31, between a line drawn due west from Point Arguello, Santa Barbara County and the United States -- Mexico boundary. No trap may be used to take spot prawns from May 1 through July 31 between a line drawn due west from Point Arguello, Santa Barbara County, and the California-Oregon boundary.

(1) Spot prawn traps may be set and baited no earlier than 0600 hours (6:00 a.m.) on January 31 in waters south of a line drawn due west from Point Arguello, and no earlier than 0600 hours (6:00 a.m.) on July 31 in waters north of a line drawn due west from Point Arguello.

(2) In areas in which the season closure begins November 1, all traps must be removed from the water prior to November 1, weather and sea conditions permitting. In areas in which the season closure begins May 1, all traps must be removed from the water prior to May 1, weather and sea conditions permitting. In the event that a permittee is unable to comply with this subdivision, then that person must notify the nearest department office via telephone or FAX and certified mail not later than 1600 hours (4:00 p.m.) on November 1 or May 1, whichever is applicable, stating the reason for the delay and the anticipated date of trap removal. Notification does not relieve the permittee of responsibility for complying with this subdivision unless approved by the department.

(3) All spot prawns taken in any trap during the closed season shall be immediately returned to the water and no spot prawn may be possessed aboard, or landed from, any vessel operating under authority of a spot prawn trap permit in any area during the closed season in that area.

(b) All spot prawn traps shall be made of ~~plastic or wire~~ mesh with a minimum inside measurement of 7/8 inch by 7/8 inch, such that a 7/8 inch square peg passes through the mesh without stretching the mesh. (Note: Fathom Plus Traps may be used to take spot prawns.)

(c) Trap Limits.

(1) Tier 1 and Tier 3 trap limits. Not more than 500 traps may be used from any Tier 1 or Tier 3 vessel to take spot prawns except that not more than 300 traps may be used from any Tier 1 or Tier 3 vessel to take spot prawns within three miles of the mainland shore between a line drawn due west from Point Arguello, Santa Barbara County, and the California-Oregon boundary.

(2) Tier 2 trap limits. Not more than 150 traps may be used from any Tier 2 vessel.

(d) Each string of spot prawn traps shall be marked with a buoy bearing the commercial fishing license identification number issued to the owner or operator of the vessel.

NOTE:

Authority cited: Sections ~~710.7~~, 711 and 8591, Fish and Game Code. Reference: Sections 710.7, 711, 8140, 8590, 8591, 8593, 8594, 8595, 8842, 9000, 9001, 9004-9008 and 9015, Fish and Game Code.